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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,449	02/16/2000	George R. Borden, IV	KLR:7146.045	5400

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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/505,449	Applicant(s) BORDEN, IV ET AL.	
	Examiner Dave Czekaj	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (5610653) in view of Loveland (6437819) in further view of Lee (6507366).

Regarding claim 1, Abecassis discloses an apparatus that automatically customizes a viewer-selected video in response to the viewer's preferences (Abecassis: column 1, lines 20-23). This apparatus comprises "initiating an object tracking system" (Abecassis: figure 11A, column 41, lines 52-55, wherein the system is initiated as indicated by the start process and by using the remote), "magnifying the image while the object tracking system is activated" (Abecassis: figure 10D, column 42, lines 11-16, wherein the user presses a button to zoom, the object is the target), "selecting an object of interest in an image while the system is activated" (Abecassis: figure 10D, column 41, lines 52-61, wherein the user selects an object by using a target pointer and pressing a button on the remote), and "designating the object as the target of the tracking system while

the system is activated” (Abecassis: figure 10D, column 41, lines 52-61, wherein the target pointer indicates the target). However this apparatus lacks decreasing the magnification based on a low confidence level and automatically magnifying the image in response to the initiating as claimed. Loveland teaches that prior art tracking systems require a user’s full attention (Loveland: column 1, lines 40-43). To help alleviate this problem, Loveland discloses an automated tracking system in which “the magnification is decreased based upon a low confidence value” (Loveland: column 4, lines 55-59, wherein the magnification is the zoom, the low confidence value is obscured view). Lee teaches that an initial adjustment of the zoom lens free from user input provides an effective search region for locating an object (Lee: column 4, lines 44-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Abecassis, add the magnification processing taught by Loveland, and add the zoom processing taught by Lee in order to obtain a more versatile apparatus by allowing a user to perform more tasks since the users full attention is no longer required.

Regarding claims 2, 11, and 17, Loveland discloses “the image is magnified by adjustment of an optical lens” (Loveland: column 3, lines 60-65, wherein the PTZ camera includes an optical lens).

Regarding claims 4, 13, and 19, Lee discloses “the magnification is an automatic result of the initiating the object tracking system” (Lee: column 4, lines 44-59).

Regarding claims 3, 12, and 18, Abecassis discloses “the image is magnified by adjusting an electrical signal representing a part of the image” (Abecassis: column 42, lines 11-16, wherein the magnification is done using a remote which adjusts the electrical signal to the desired zoom level).

Regarding claims 5, 14, and 20, Abecassis discloses “automatically changing the scale of the image following designation of the object as the target” (Abecassis: column 41, lines 62-64, wherein the image is all the contents contained within the frame, changing the scale is adjusting the window frame to display the target in the center of the frame).

Regarding claims 6, 15, and 31, Abecassis discloses “moving a cursor to superimpose the cursor on the object of interest in the image” (Abecassis: figure 10D, wherein the cursor is the target pointer 1091 and the object of interest is the car 1092) and “signaling the tracking system that the cursor is superimposed on the object of interest” (Abecassis: column 41, lines 52-61, wherein signaling to the tracking system is done by the remote which indicates to the system that the target pointer is situated on or superimposed on the target).

Regarding claims 7-10 and 16, although not disclosed, the object tracking system could comprise a touch screen display that simultaneously selects and designates the target upon the next touch of the display (Official Notice). Doing so would have been obvious in order to make the apparatus more user-friendly by providing the benefits of a touch screen display.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday- Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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TC 2600